In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.1223/2006
Syed Zameer Hussain ***Versus*** State

Date of Order ::: 10/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. S.K.Saksena, for petitioner

Instant petition U/s 482, CrPC has been filed assailing charge sheet dt.23/06/01 (Ann.2) whereby charge sheet could not have been filed as it was observed that the accused was absconding and could not be arrested despite all efforts and it was kept pending u/s 173(8) CrPC.

Counsel for petitioner submits that although he has been named in the charge sheet but relevant material particularly statements recorded U/s 161 CrPC did not constitute commission of offence alleged against him; as such inclusion of his name in supplementary charge sheet dt.15/06/03 (Ann.4) and calling upon him is nothing but clear abuse of process of law.

This Court has gone through charge sheets dt.23/06/01 & 15/06/03 (Ann.2 & 4). As regards petitioner, he has been expressly named in the charge sheets, which appears to have been not filed earlier because of he being absconded and investigation

against was kept pending. As regards submissions made by Counsel about his name being not disclosed in course of investigation U/s 161 CrPC or the basis for inclusion of his name through supplementary charge sheet, in the opinion of this Court, cannot be examined at this stage and petitioner is at liberty to make all such submissions available under law at appropriate stage during trial. This Court does not find any justification to interfere U/s 482, CrPC.

Consequently, misc. petition fails and is hereby dismissed.

(**Ajay Rastogi), J.**

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